IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No. 33319 of 1998

Between:

1 The General Manager, Finlay Mills (U.C.) N.T.C. (SM) Ltd., (AC)

10/11, Dr. S.S.Road, Parel, Mumbai 400 012.
2 The Manager, Finlay Mills (U.C.) Retail Cloth Shop, Abid Road,

besides Santosh 70 mm, Hyderabad 500 001.

..... PETITIONERS

AND

1 The Labour Court-I, Andhra Pradesh, Hyderabad.
2 Mohd. Mahmood S/o. Md. Khasim
16-9-749/41/1, Race Course Road,

Old Malakpet, Hyderabad. .....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the Award dated 2-9-1998 in I.D.No.11/97 on the file of the Court of the Presiding Officer, Labour Court-I, A.P. Hyderabad, the first respondent herein by issuing a Writ of Certiorari or any other appropriate Writ, Order or Direction and quash the same.

Counsel for Petitioner : Mr. M.NARAHARI &

SMT.K.ANNAPURNA REDDY

Counsel for Respondent No.2: Mr.V.VISWANATHAM

The Court made the following :

ORDER:

This writ petition is filed by the Management being aggrieved by the Award passed in I.D.No. 11 of 1997 dated 2.9.1998 on the file of the Labour Court-I, Hyderabad wherein the second respondent-workman was directed to be reinstated into service and it was also declared that he is entitled to backwages, continuity of service and attendant benefits.

The second respondent-workman who was working in the petitioners organization, submitted resignation letter under Ex.M.2, but however, on the very next day, he gave a letter withdrawing his letter of resignation (Ex.M.2), but still he was not allowed to join the duty. Under those circumstances, respondent-workman issued a legal notice to the Management and as nothing transpired, he raised the present dispute under Section 2A(2) of the Industrial Disputes Act, 1947 before the Labour Court-I, Hyderabad in I.D.No.11 of 1997. The Labour Court after detailed consideration of both oral and documentary evidence, came to the conclusion that since the resignation was not accepted, not permitting the respondent-workman to join the duty amounts to illegal termination of his services and thus, violative of the provisions of section 25-F of the Industrial Disputes Act.

I have gone through the award of the Labour Court. The Labour Court considered each and every aspect of the evidence and rightly came to conclusion that the respondent-workman was illegally terminated contrary to the provisions of Section 25-F of the I.D. Act. In fact it is in the evidence of Management Witness M.W.1 who admitted in his cross-examination that the acceptance of resignation was not served on the workman. The acceptance of resignation was also not sent to the residential address of the respondent-workman as the workman informed the change of address. Once the workman gave change of address, there was no difficulty for the Management to secure the presence of workman and serve the order of acceptance of resignation. Ex.M.1 are the pay slips under which Head Office paid wages to the workman, they cannot be said to have been brought into effect by the workman.

Further it was also noticed that Ex.M.2 has come into existence in a fit of anger and on the very next day, the workman withdrew the letter of resignation. Under those circumstances, the findings of the Labour Court that the workman deemed to have been illegally terminated from service which is in violation of Section 25-F of the I.D. Act and the consequential declaration that the workman is entitled for reinstatement, backwages, continuity of service and attendant benefits cannot be faulted with.

In the circumstances, no ground is made out by the Management to interfere with the reasoned award passed by the Labour Court.

Therefore, the writ petition is devoid of merits and is accordingly dismissed. No costs.

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C.V.RAMULU, J

Date: 3.9.2004

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